

REMARKS

Claims 42-67 are pending in the present application. Claims 43, 50-55 have been amended. In addition, claims 48, 49, 57 and 61 have been found allowable and claims 42-47 have been objected to. Claims 59 and 60 have been included in the list of rejected claims on page 5 of the Office Action; however Applicants believe that claims 59 and 60 should be designated as being objected to since they depend from claim 42. No new matter has been added by way of the above amendments.

Objections to the claims

Claims 42-47 have been objected to for recitation of "endogenous" in claim 43, which the Examiner indicates is incorrect since C1C-7 gene is introduced into the cell or cell-line of claim 42, thus making its expression "exogenous". Claim 43 has been amended to delete the recitation of "endogenous" as suggested by the Examiner. Withdrawal of the objection is respectfully requested.

Double patenting rejection

Claims 59 and 60 have been rejected for obviousness type double patenting over claims 9, 11, 18, 21, 22, 27 and 28 of application No. 10/623,150. Applicants request that this issue be held in abeyance until the claims in one of the two applications are otherwise allowable.

Rejections under 35 USC § 103

Claims 50, 53 and 62-67 have been rejected under 35 U.S.C. 103(a) as being obvious over Maher et al. (US Patent 6,686,193). The Examiner notes that claims 50, 53 and 62-67 encompass only one genetic modification, with the second modification being optional. Claims 50 and 53 have been amended to require the genetic modification of at least two C1C channels. As such, the invention is not obvious over Maher et al. and withdrawal of the rejection is respectfully requested.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact MaryAnne Armstrong, Ph.D., Reg. No. 40,069 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: October 14, 2008

Respectfully submitted,

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